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754 626 resentment a crisis could arise which focused all this resentment on the sorcerer's unfortunate head, congealing public sentiment to direct and vigorous public action. When this point was reached, tort merged into crime. 626 The result was lynching. But such lynching was an act of social policy and 683 not the venting of mob hatred. The purpose and end can be seen to be the same as in many of those outbursts of fury which occur in our own society, but the temper was different. In our society lynchings are frequently associated with the outraged feeling that the "law" will not operate severely enough or that it may be evaded. Comanche lynchings were deliberately executed by spontaneous, but stated, social agreement in the absence of any other established procedure. This was a movement towards a higher juridical level; ours is a relapse. Finally, the crime of which the Comanche victim was guilty was rarely indeed *an* act; it was rather the acquired status of "publicly dangerous person," akin to our recent conception of Public Enemy No. 1. History and reputation made the status; danger, or the sorcerer's old age, or loss of grip furnished the motivation; any given particular outrage was at last a fulminating cap upon the charge.

627 683 Comanche lynching was apparently not of frequent occurrence. It could not be called a *predictably* established practice. Our records are limited to three accounts of such an event, though most Comanches will formulate the generalization that evil medicine men were killed by the people. These accounts were explicit and to the point, leaving no doubt as to their being definite Comanche reactions. It cannot be stated with surety that they are not all versions of the same incident.

Case 20. Excessive Sorcery: People vs. (?)
Informant: Post Oak Jim

"There was a nice young man got bewitched by an old Beaver medicine man; he was wasting away. Someone asked another medicine man to find out what was wrong with the boy. This second medicine man told them about the sorcery the Beaver man had made. He also told them that that same old man was the cause of other cases like that.

"When this was learned, all the men in the band had a conference at which they decided to kill the sorcerer. They made believe they were going to have a curing for the sick boy. They set up a Beaver lodge and put the sick boy in it. Then some of them went and smoked with the sorcerer and asked him to come to perform the Beaver ceremony cure for the boy. He accepted the smoke and came to the lodge. The people went inside, but they left two young warriors outside the lodge to kill the medicine man when he came out after the ceremony was over.

"Later on, he came out and started for home with a small boy as companion. When they had got half way home, and the women were all asleep, the two warriors sent the little boy away and killed the medicine man."

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Case 20a
Informant: Slope

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"An evil medicine man lived among the band called Those Who Move Often. He was so hated by the people that he finally moved away. He went west and there located with another band. After he was there awhile, a man got sick. Another medicine man took the cure and saw that it was this evil man from the Those Who Move Often who had caused the sickness.

"The people got together and plotted to kill the fellow. They arranged for him to doctor a sick person—then they would kill him as he came from the tent. They did it just as they had planned. Just as he was stepping over the bottom part of the tipi door they shot him with bow and arrows. He made one big jump and fell dead on his face."

Case 20b
Informant: Talker

"How Gawky, the evil medicine man, died. He bewitched all the Those Who Move Often, old and young, men, women, and children; he was about to exterminate them. He placed a curse on a rich man. That man died. It was found out that it was Gawky who had cursed him.

"People talked this thing over; they said, 'There is not much we can do with Gawky; we can't fight him. The only thing for us to do, the sure thing, is to cause him to break his tabu.' His forbidden thing was the eating of any food cooked on a long stick—a spit.

"Someone invited him to dinner where it had been arranged to put a spit with meat upon it (just as was forbidden) under the robe on which he was to sit. He sat right on it.

"He ate his dinner and left.

"That night a voice was heard to cry, 'Gawky is dying.' 'What is he dying of? He can't; he is invincible.' Then Gawky spoke out, 'Nothing can save me; nothing can cure me. Through my rectum into my intestines has gone this forbidden spit. I am not going to get well.'

"He died. And after he died he became an evil spirit, but it ended sorcery among the Those Who Move Often. Just the contact of the spit had entered him magically and killed him.

"Bad medicine men become evil spirits."

What we see reflected in these cases is: (a) specific delegation of power to individuals by community agreement in order to rid society of a menace, (b) group slaying of the public enemy after community agreement (i.e., lynching). This is what made of excessive sorcery a crime.

Though not an historical case, one epic battle of sorcerers in legend is pertinent in the exposition of Comanche attitudes towards sorcery. 754

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In a variant of this legend given by Eagle Tail Feather the plot structure is identical, but the scene is laid in an Arapaho camp where "the Arapaho medicine man, who was hated by his people, lived alone with his wife to the east of the camp." In the case of the Cheyenne as presented in the version given above we have clearly a reading of Comanche attitudes into the case as Cheyenne attributes. The Cheyennes, so far as field study could determine it, did not possess the sorcery complex.

To sum up sorcery as a crime: Expressed attitudes and the instances cited indicate that sorcery was a socially disruptive power, looked upon with social disapproval. Isolated instances of sorcery were handled as offenses against individuals, though there was no single established social machinery for the need. The diffuse sanctions intrinsic in all social relations were always pressing upon the person who used his medicine powers for bad ends. Such a person was dangerous and social intercourse was withdrawn, eventually leading to overt ostracism and a kind of imposed segregation of the pariah on the edge of the camp. (This segregation seems to have been self-assumed in that there does not appear to be any evidence that the sorcerer was told by anyone that he had better move out. We take it that he was simply frozen out.) Some possessors of medicine powers were compelled by that very power to use it on other people to protect themselves from the ravages of that power. Such excessive and indiscriminate use of power became a social menace not to be tolerated and the result was on occasion a deliberate formation of a social policy to meet the situation. People decided that such a person must die and then laid out a plan as to how the execution could be effected. This was done through the medium of a seemingly dispassionate execution through delegates.

The scarcity of cases of this sort leads to two alternative conclusions: either (a), there was not much use of sorcery attributed cumulatively to individuals; or (b), the accumulated irritation against the users of black magic did not often reach the point where it precipitated direct action on the part of the band. This would reflect either the lack of geared machinery for moving society against public offenders or that the Comanche failed to get obsessive about sorcerers.[2]

INDIVIDUAL ACTION DURING THE COMMUNAL HUNT

In approaching consideration of the rules of the communal buffalo hunt, we might look with expectancy towards something more definite. For it is at this point that the tendency to evolve a definite political expression of

[2] Professor Ruth Benedict observes, "Sorcery is a fear-projection, and the Comanches were not ridden by fear."

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To combat sorcery counter-medicine was first available. This was a socially acceptable action which in content was precisely the same as was the illegal grievance against which it moved.[5] Counter-medicine was used when a power surpassing that which lay in the curse was available. An alternative was to cause the sorcerer to break his tabus. On the purely physical plane, when neither of these two methods was successful or available, coercive threats were hurled, with the result that the accused took the conditional curse, or in rare instances either out-faced the "prosecutors" or was violently attacked by them.

But first there was the problem of evidence. Here the situation was different from that we have observed in the marital situation. The act of aggression was secret and the aggressor a dangerous person. The problem, therefore was one not only of evidence—it was also one of detection.

With a number of medicine owners in the tribe, and every shaman a potential sorcerer, the finding of the guilty one was not a simple matter. The recourse was to divination.

When a tribesman had fallen under the curse of a sorcerer, only a powerful shaman could discover the nature and source of the magic. For this each medicine man had his own special technique. In all cases, however, its essence lay in divination. The general pattern was to divine by waving an eagle feather medicine-fan over the patient while singing medicine songs. When the power was strong enough, the image of the guilty sorcerer appeared beneath the fan. So certain was the technique in the more common cases that our informants explained, "When a feather is shot into a person, a medicine man can see just like reading a newspaper who put it there." The words of a diviner were accepted truth for those associated with the sick man. They stood as such unless the accused sorcerer was firm in denial.

Other divinational techniques were found in the peyote and beaver ceremonies. The former is a relatively modern, and the latter an ancient religious rite. The beaver ceremony was a notable curing service; it was one of the few Comanche religious forms in which there was group participation.

[5] There is nothing incongruous in magic as an instrument of law. When used as a recognized sanction, it serves a justifiable end, and is therefore "good." It must not be forgotten that all sanctions, whatever their nature, work a harm to the wrong-doer. It is this that gives sanctions their power of restraint. So Malinowski sees sorcery as a means of maintaining social order in Melanesia, *Crime and Custom*, pp. 85–94. Hogbin goes with him in interpreting the data from Ontong Java. *Law and Order in Polynesia* (New York, 1936), pp. 216–223. Evans-Pritchard sounds the same note for the Zande of Africa, *Sorcery and Native Opinion* (Africa, vol. 4, 1931), pp. 22–55.

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The ceremony, which lasted several nights, was rich in ritual detail and symbolism. As a by-product of the ceremony, detection of sorcery could occur. At a stage of the ceremony the officiating beaver medicine-man went into a trance. It was then that he "saw" the sorcerer.

The peyote ceremony was drawn upon in much the same way. In using the peyote ceremony to cure a sick person, the ritual leader—who does the curing—received a vision of the sorcerer.[6]

The diviner, when he was powerful enough as a doctor, undertook the cure as the next step. Divination revealed the sorcerer and also the nature of the curse. Usually the doctor knew well enough the relative strength of his medicine when matched with that of the sorcerer. When he thought his best would equal or surpass the power of the curse, he threw his medicine against it. When he was doubtful, he took a chance on doctoring, or he recommended another specialist, or he took to the ruse of advising how the sorcerer could be brought to grief by causing him to break his tabus. When this succeeded, it automatically killed the powers of the sorcerer's medicine, thereby nullifying the curse.

Curing and throwing back the curse were in Comanche society essentially one and the same. It was defense and revenge in one. The theory was that a curse let loose must find a goal. Under the direction of the curing doctor a counter-medicine—an anti-body—was induced into the body of the patient and the curse was driven out. This was most commonly demonstrated to the relatives of the sick one by pulling the foreign substance—the feather or whatnot—from the patient's body. It was good showmanship. The doctor breathed on it, rubbed it four times, and blew it from his palm away into the air. The patient got well; the sorcerer got sick. For the sorcerer there seems to have been no further cure. The only escape from this was for the sorcerer to recall his medicine before the cure began. Otherwise, either he or his intended victim died.

Post Oak Jim was once the mark of a rival medicine man in a case which illustrates this.

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[6] A good many Comanches are peyote devotees today. Meetings are held regularly throughout the year. Peyote is used for worship and curing, but the sorcery aspect has, so far as we know, dropped out of Comanche medical theory. This is in sharp contrast to Mescalero Apache practice, whereby peyoteism has become a vehicle for sorcery rivalry as described by M. E. Opler, *The Influence of Aboriginal Pattern and White Contact on a Recently Introduced Ceremony, the Mescalero Peyote Rite* (Journal of American Folklore, vol. 49, 1937), pp. 143–166. For definitive treatment of peyoteism see W. LaBarre, *The Peyote Cult* (Yale University Publications in Anthropology, No. 19, 1938).

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Case 23. Sorcery: Bull Elk vs. Barking Buttocks
Informant: That's It

"Barking Buttocks was using his medicine in a bad way against Bull Elk. Bull Elk was awfully sick. They called in one doctor after another to work on him. Not one could do a thing. One right after the other, they gave it up. Finally, they called on Traveller's Road. He was a captive, but he had medicine.

"This captive got up his songs; he acted as though he were flying over Bull Elk with his medicine feathers, so he could see who had put the spell on Bull Elk. Then he started right in doctoring. He did his cure three times, but nothing happened.

"Bull Elk had four brothers. Two of these brothers now talked to Traveller's Road. 'What did you learn?' they asked him. 'What is it in our brother there?'

" 'It is a bad medicine,' he replied. 'It is the evil medicine of Barking Buttocks.'

"The brothers looked at each other. 'Well now,' they said, 'We'll just ask him to remove that curse from our brother there. We won't do him any harm, friend. No, we won't attempt to harm him. We promise that. We will just ask him to withdraw his medicine. But how do you know it is the medicine of Barking Buttocks?'

" 'When I was flying the feathers over your brother, I saw his shadow. The medicine of Barking Buttocks is in him,' was the answer.

"That settled it. On the next morning Bull Elk's brothers sent his wife to seek the bad medicine man. They told her to invite him to come to the tipi where Bull Elk lay dying. The brothers were waiting in the tipi, sitting near the door, the sick man lying at the rear. Barking Buttocks came, and they moved apart for him to sit between them. Both of the brothers had weapons.

"They started talking to the sorcerer. 'Friend,' they said, 'We have a question to ask of you. There is our brother. He lies sick, about to die. You are the man who has done this thing. Take pity, we beg of you. Take pity on our brother there. Can you not see that he is an old man, even as you? Take away your medicine. Take it home with you.'

"Barking Buttocks replied that he had nothing to do with it. Who gave them the idea it was his medicine? Who said he was responsible anyway?

" 'Traveller's Road,' they answered.

"Now Barking Buttocks was angry. 'That captive has no sense,' he cried. 'He is a fool. His medicine makes him lie. Why do you listen to him? Bring that idiot in here so I can talk to him.'

"The wife went out to get the doctor. He came through the door, and they made a place for him to sit by them. Traveller's Road walked by. 'No,' he declined, 'I have my place.' He sat down at the foot of the sickbed. As he listened, one of the brothers explained the reproach of Barking Buttocks.

"Traveller's Road listened to the end. He was gravely silent. At last he pointed the finger at Barking Buttocks. 'How *can* he deny it?' he asked them. 'How can he deny it when he *knows* he did it?'

" 'Captive,' sneered the sorcerer.

" 'I saw his shadow over your brother,' reiterated Traveller's Road.

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"'What about it, friend?' they pressed Barking Buttocks.

"He did not answer them. He went above them to the Sun. 'Father,' he swore. 'Early in the spring let the first lightning and thunder take my life if this thing be true!'

"The brothers sat back. They were satisfied. 'If you say such a thing, we can't dispute you. We drop it.'

"During the winter Barking Buttocks with his family drifted away from the main camp. In the spring he went hunting with his nephew. The first storm of the season came: a cloud rolled up in the sky. Lightning flashed! One, two, three. The fourth bolt found Barking Buttocks. The medicine man fell dead. That settled the question. He was finished and Bull Elk was saved."

In this situation four approaches were taken: two on the supernatural plane, one on the profane, and then back again to the supernatural. There was the usual attempt to overcome sorcery with medicine. This failed without giving so much as a trace of the sorcerer. Then followed Traveller's Road's success in detection and his failure to cure. Direct action was taken, beginning with indirection. The sorcerer was entreated. The sorcerer denied responsibility. With denial a new tone appeared. The atmosphere was charged with threat of violence. Conciliation had failed; now came into play the law's earthly sanction—force. In this case, however, it did not come to violence. The medicine man preferred the supernatural. He introduced the fourth and final term by invoking the conditional curse—not on the accuser, but on himself.

The need for authoritative evidence had to be met. As between two medicine men, whose word was to be taken? The interesting thing in this case is that only the word of one party was tested. It was always so. The test was—"Is Barking Buttocks guilty as charged, or not?" That was the question put to the sun. The test was not—"Is Traveller's Road or Barking Buttocks the false speaker?" Hence the sorcerer called the conditional curse down upon himself. The presumption must be that either the sorcerer believed himself innocent, or else held the conditional curse lightly. It would be a bold Comanche who held to the latter. Skeptics may raise an eyebrow as to the end of Barking Buttocks in the manner described. Still there is legal significance in the native belief in the sorcerer's demise—for belief makes the sanction real as example for those who survive. The conditional curse in the sorcerer's trial was therefore the supreme appeal.

As counter-medicine occasionally failed, so also did sometimes threats of direct action. After all, while law is law, and sorcery illegal, sorcerers were dangerous personages. (One thinks twice, and more, before going to law with a gangster.) One trod cautiously when going to the mat with a sorcerer.

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The diplomatic game of threatening sanctions was played in Comanche law: there was much bluster, but we know of only two cases in which actual physical harm was done the sorcerer (aside from the planned executions above). One of these was a "lynching," the other a murder, but done within the family. In the case of No Bed, the sorceress whose story is recounted below, the attempted violence was circumvented. Indeed, so circumspect was the handling of sorcerers with mundane techniques, so much was it front without substance, that such a terrorizer as Looking After His Son could bully the would-be prosecutors into submission.

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Case 24. Sorcery: ? vs. Looking After His Son
Informant: Eagle Tail Feather

"Looking After His Son was a boastful medicine man always talking about his power. Whenever he went among the people it was his boast that he could kill anyone within a vicinity of a quarter mile, should that person raise his displeasure. After all this big talk people began to get suspicious of him.

"One day a young man fell sick. People took to muttering about Looking After His Son. Rumors flew about until finally Looking After His Son heard that people were accusing him of the deed. He heard that the relatives of the sick youth were threatening to kill him.

"It was not long before a relative of the youth who lay ill came to call at the sorcerer's lodge. Looking After His Son welcomed him. 'Hello, friend,' he said. 'I am happy to see you here. Sit down. We will tell stories tonight.'

"At midnight the visitor made excuses to go. The medicine-man motioned him to keep his place. 'I have a certain question to ask. You must accept it,' he ordered. 'I understand your relatives are saying I cause them death. They are making threats at me. Now you look out. Before you leave here, swear that you will stop them, or else—. Well, I'll fix you for certain.'

"The man swore.

"Early the next morning, without stopping for breakfast, he sought out his kinsmen. He pleaded with them for his own sake not to offend the sorcerer further. They heard his plea, and deemed it wisest to acquiesce; they said nothing more about Looking After His Son after that." [602]

It was the opinion of the narrator that Looking After His Son was as guilty as guilty can be. Yet what could be done about it? Sorcery was the the affair of the relatives; they shirked it with cold feet. The sorcerer's bold front and the power behind it were his impunity.

A comparable outrage was recorded from Carrying Her Sunshade. It was a situation in which she figured as a girl, thus placing it shortly before 1860.

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Case 25. Sorcery: Salt Worn Out vs. Robe On His Back
Informant: Carrying Her Sunshade

"Robe On His Back propositioned Salt Worn Out's wife and she turned him down. Robe On His Back did not like that one bit; so he brooded over it, and settled on revenge. His medicine centered in a black kerchief. He worked on this handkerchief with his spells until it brought a curse on Salt Worn Out's little daughter. She bled from her lungs.

"My husband was a medicine man, so Salt Worn Out brought his daughter to us. My husband worked and worked, but he got no results.

"Finally he called on me, 'Breathe four times on her,' he commanded. I breathed, and I breathed, and I breathed, and I breathed—behold! The blood stopped flowing. 'Again,' ordered my husband. I breathed, and I breathed and I breathed, and I breathed. He had me do it over and over until the girl felt better.

"Next he advised Salt Worn Out to move his tipi over to ours, so we could doctor during the night.

"For quite awhile my husband had me repeat my medicine over the girl. It was good medicine, but she never got completely well. We had to find out who was causing the illness, so my husband took out his copper bowl painted red about the rim. He filled his bucket with water, and sang his songs. Then he called us all to look into the water. What did we see but Robe On His Back holding his black handkerchief! Every time he fluttered the kerchief, the girl coughed blood. My husband called the girl's mother to look in, too. 'You have refused Robe On His Back,' he told her. 'I have seen this thing' (in his dreams). This was the proof of all the trouble.

"Salt Worn Out was a coward. He was afraid to protect his daughter. He shrank from approaching Robe On His Back. He shrank from even so much as begging him to remove his evil medicine. Never did he think of threatening him. Instead he stayed with us for a whole year to keep our help and protection. Finally, he decided to move away; they drifted off to some other band where they hoped they could escape from Robe On His Back's hatred."

In this instance the issue of guilt was not put to the test because of Salt Worn Out's cowardice. Here there was not even a preliminary blustering before the back-down. Robe On His Back was free from legal molestation, showing again how distinctly sorcery was a tort. Success in handling supernatural aggression hinged, like success in prosecuting the aggressor against marital rights, upon relative power—either supernatural, or physical and moral. In handling sorcery, however, it was not so easy to attain a balance. Especially is this true of the second phase of anti-sorcery procedure—that which was followed when counter-medicine had failed. We have seen the situation in which the case proceeded to its perfect legal end, that in which Barking Buttocks appealed to the conditional curse. We have revealed two instances in which fear of the aggressor stilled the aggrieved. We were able to record but two cases wherein actual physical coercion was attempted against the body of the sorcerer.

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Case 26. Sorcery: ? vs. No Bed
Informant: Carrying Her Sunshade

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"No Bed was a powerful medicine woman. Her power was one of the strongest in the tribe. She shared it with her daughter, whom she had initiated into its mysteries. Quite a few rules went with the medicine, such as the tabu against yellow paint. Another was that whomsoever they dreamed about, on that person they must put the curse. If they did not make bad medicine against that person, they themselves would sicken and die!

"No Bed dreamed one night. She dreamed about a young man in the camp, a young man well-liked by every one. Even No Bed liked him. Nevertheless she made her medicine. Pretty soon the poor boy fell sick. The wasting-away sickness was upon him.

"Everyone thought about No Bed. Sure enough, the medicine man on the case saw she was guilty, so he had them send for her. She refused to go at first. 'Why do you come for me?' she complained. 'I have no power. What do they want me for?'

"The messenger begged her. 'Do come before it is too late,' he implored. 'You can remove the curse if you come now. Before long it will be too late.'

"Well, she would go along, she said. But all the time she kept repeating over and over that she had nothing to do with it and could be of no possible use. She was still wagging her tongue as they approached the tipi, when they heard a wail emerge. She stopped. A great chorus of mourning came out from the sick lodge. The boy was dead!

"No Bed took to her heels and ran. Her escort seized a spear, and charged after her. She sped for the lodge of Grey Flat Lying Object, who was a chief of the Quick-Stinger band. She rushed through his door, and throwing her arms about him, she begged for protection.

" 'Well, what is the matter, then?' queried Grey Flat Lying Object. No Bed babbled out her story. 'Yes,' the chief assured her, 'I will give you protection as far as I can. Now sit down; let us talk this thing over.'

"Grey Flat Lying Object recognized her danger. He knew she would be killed if she stayed in camp; he could not protect her forever. He decided to spirit her away until the trouble blew over. No Bed assented, so her daughter was sent for. The two stayed hidden in the chief's tipi until dark, when Grey Flat Lying Object led them out of the camp and away. No Bed left her tipi standing with all her belongings so as to fool the people. By hard travelling they found a camp of Caddo in the east. Grey Flat Lying Object left them there, and returned home.

"No Bed and her daughter lived for many years among the Caddo. The daughter is still living; she is a Christian now, but she still has her medicine. It is no longer so bad now; times have changed.

"No Bed died some years ago. After she came back to our people she befriended an old man. She cooked him food and helped him. But that was because she was going to put her bad medicine on him. A certain medicine man dreamed about this. He hurried to warn the old man of his danger. 'There is only one way you can save yourself,' he told him. 'The next time you see that old woman, put some yellow

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paint on yourself in some secret place.' When this happened, it broke No Bed's tabu against yellow paint—she was killed in the end by her power."

Here is a case where we see a chief (Grey Flat Lying Object was one of the great Comanche war leaders) taking the role of the champion in a new situation, this time acting for the defendant. We *should* know something of his motives in expousing her cause. We found no evidence of institutionalization of a right of asylum.

The next and the only other case we have in which a *real* attempt was made by relatives of a sick person to do direct violence to a sorcerer comes from Dr. Mirsky.

Case 27. Sorcery: Chew Up vs. Bull Roarer
Informant: Talker.

"There was a man named Chew Up. He was a Yep-Eater, and had just returned from a war-raid. He asked his father, 'What is that tent doing there?' (pointing to a tipi close to his own).

"His father said, 'Your brother is very ill.'

" 'And what may be the matter with him?' he asked.

" 'Some one has shot him with his medicine. Some one put his curse on him.'

"Chew Up went into his father's tipi; there he found his mother getting food ready for him. His father followed him in and addressed him. 'Son, there is something I cannot keep from you. I cannot keep you in darkness. Bull Roarer is doctoring your brother. Bull Roarer is a very great medicine man—his diagnosis is always right.' The father told him what Bull Roarer had discovered.

"At that moment the mother's brother of Chew Up entered. 'Nephew,' he hailed him, 'you have returned. I overheard you talking. That is why I came in.' That was all he said; taking his leave, he went to the sick man's tipi.

"Chew Up rose and followed him. He found the uncle sitting at the foot of his brother's bed. Chew Up gave sympathy to his brother, encouraging him with promises of his recovery. Then he turned to his uncle. 'You are a medicine man who can doctor. Why don't you doctor him?' he demanded. To his uncle's wife who sat at the far end of the tipi he then gave an order to leave. As soon as she was out the door, he drew his knife.

" 'Oh,' cried the uncle, 'I have failed. I cannot relieve him.'

"As he said that, Chew Up seized him by the hair, and pushing down his head, he stabbed his uncle twice. Then he went out. He had killed him.

"He went striding back to his father's tipi, where his mother was still cooking. 'Mother,' he said, 'I have killed your brother. Now go tell your sister-in-law what I have done to her husband. But tell her this, she is not to mourn for him.'

"His mother went to her sister-in-law with his bidding. 'Come,' she directed her, 'we will get your husband's body out of the tipi.'

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"As soon as they started to carry out the corpse, Chew Up followed after them, repeating his warnings to his aunt. 'Don't wail,' he commanded the bereaved woman. 'If you wail for him, I will kill you. Go bury him, and when you have done it, go back to your own people.'

"The evil medicine man was buried unmourned.

"That night Chew Up himself went to stay with his elder brother. The young man was so sick that he could drink no water—always the sign of a person at death's door. All night long Chew Up held his brother in his arms, until—just as the white dawn came—he died. They wailed for him, and they mourned. The father of Chew Up was a war chief and a rich man. Chew Up explained, 'I am but following the pattern set by my father.'

"What lay behind it all was this: the medicine man uncle had caught his nephew lying with his wife—not in actual intercourse, however. For this reason he had put the curse on him. *Because the quarrel was in the family, no one else could take it up or do anything about it.* (Author's italics.)

"Just as all this quieted down, Chew Up's other elder brother came home from war. (Chew Up was the youngest, the one who died was the middle brother.) The eldest brother admonished Chew Up. 'You have committed the unheard-of thing: you have killed our uncle.'

"And Chew Up replied, 'Is it as nothing that I should sit and watch my brother being murdered? Should I have done nothing?'

"To this his elder brother retorted, 'You have done something terrible. You shall not live long.'

"Chew Up answered back, 'I am going to live a long time.'

"The elder brother was killed not long after, and Chew Up lived to be an old, old man."

The thing that strikes hardest in this history of Chew Up is the way in which it emphasizes so completely the non-criminal nature of homicide. But it is also breath-taking in how fast it moved through the ordinary middle-stage of beseeching the sorcerer to remove the curse. "You are a medicine man, why don't you doctor him?" Not an entreaty, but a sarcasm. Then the death-blow. Here the sorcerer faced a tribal strong-man, a man of wealth and position with the pattern of family pride to uphold. How differently the law worked with such a man on the aggrieved's end of the stick than when it was put in the hands of Salt Worn Out to wield for justice's sake!

Comanche law, because it was a personal and a kin law, *did* swing upon valor and guts. It was a matter of out-weighing whatever power the offender had on his side. In cases of sorcery this was usually done in the attempt to throw counter-medicine into the scale. But unless the counter-medicine was stronger in its supernatural power than the medicine behind

3: Wallace & Hoebel E-4, 5 (1933, 1945) 1952
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754 power had shown him a victim in a dream, and it was believed, if this occurred, that the sorcerer had to kill the person or his power would kill him instead.

The sorcerer would be revealed in the diagnosis of a medicine man when he was called in to cure. "When a feather is shot into a person, a medicine man can see just like reading a newspaper who put it there." When the sorcerer was announced, it was usual for the brothers of the sick person to pay him a visit in order to ask him to remove the power. In most of the specific cases of which we have accounts, the sorcerer denied his guilt. Then his petitioners either went away and engaged their own medicine man to counteract the witchcraft or they threatened bodily injury to the sorcerer. If their curing doctor was strong enough and was willing to go on with the case, he turned the power back, and the sorcerer died of his own malefactions.

The sorcerer who maintained his innocence, when threatened with force, in each recorded case immediately forestalled further legal steps by throwing the whole affair over to supernatural judgment. He swore his innocence with a conditional curse. If he was guilty he was killed by powers of the Sun and the Earth. If he survived, his innocence was accepted as proved.

The sin for which he died was perjury before the supernatural powers. The penalty was not imposed by man, but by the "gods."

Isolated instances were not, therefore, legal offenses.

754 Excessive and repeated sorcery was another matter. It built up a condition of social anxiety that led to a fairly dispassionate and quite
● 683 deliberate execution of the sorcerer by general consent. In two instances, sorcerers were lured into ambush on the pretext of engaging them to make cures. In one of these cases the sorcerer was assassinated by two delegates chosen by the people. In the other, he was shot just as he left the tipi.

In a third case, the members of the Those Who Move Often band were afraid to assault a dangerous sorcerer, so they contrived a successful ruse to cause him to break his tabus. Thus they destroyed him.[24]

000 Many forms of social conduct which are considered abnormal in

[24] Hoebel, *The Political Organization and Law-Ways of the Comanche Indians*, Case 23, 89–90.

24: Richardson H-4 (no date) 1929 NO6 Comanche NO6
(1854-1859) Texas

army advised him that if he felt insecure he could move the agency to a point nearer the new site. Thus for a while no troops were stationed nearer than eight miles from the agency. Now, when the troops moved out of Old Camp Cooper the Indians moved in and stored their grain and hay there. But soon a detachment of troops was ordered back to the old post and the Indians had to move out.[17] It seems that thereafter some troops were stationed continuously at the old post, but later the agent complained that the force consisted of but fifteen or twenty men—not enough to be of much aid in an emergency. During the crisis in June, 1859, when the frontier citizens were threatening to attack the reservation, an adequate cavalry force was stationed there and maintained until the Indians were removed.[18] However, it must be said that during much of the four years of the reservation's history the United States Army did not give the protection which even its limited means might have permitted.

Problems of the Agents

The vexations incident to controlling, teaching and starting on the road towards a civilized existence several hundred nomadic savages just taken from the prairies and confined to a reservation of a few square miles were too numerous to be adequately described. Sometimes the conduct and practices of the savages were enough to have exhausted the patience of a saint and that they were dealt with so successfully is a credit to the white men in charge.

Savage lawlessness and lack of self restraint naturally provoked clashes between individuals of a tribe where freedom of action had so recently been limited by this new environment. In a fit of anger one of the head men stabbed his wife and her brothers vowed to avenge her wrong. The husband's friends came to his side and a general fight seemed dangerously near. But, much to the surprise and relief of the agent, the guilty Indian came to him in a penitent mood and offered to receive any punishment that might be imposed. The agent left the matter to the other chiefs and quite naturally nothing was done. The woman recovered and her brothers apparently became reconciled.[19]

17. T. T. Hawkins, special agent to investigate conditions on the reservation, to Charles E. Mix, October 30, 1858. Ms. University of Texas photostat copy.
18. Neighbors to Greenwood, June 16, 1859. Thirty-sixth Congress, First Session, Sen. Exec. Doc. No. 2, p. 636.
19. Baylor to Neighbors, June 8, 1856. Ms. University of Texas photostat copy.

29: Hoebel E-4,5 (1933) 1969 NO6 Comanche NO6

to get a share in their power. Although they were paid for their healing efforts, they did not attempt to milk the public or use their supernatural potency for exploitative purposes. Comanche magic was mostly white.

Occasional older medicine men, however, became "mean medicine men." Unable any longer to maintain their prestige by war prowess, they struck out at enterprising youngsters. They shot their medicine into them. The detection of sorcery was the job of a curing medicine man. In the first instance, after diagnosing the nature of the illness and who caused it, he always tried to effect a cure with a counter medicine. If he was successful, nothing more was done. If he failed, legal action was in order. The brothers of the sorcerized victim would call upon the sorcerer to remove the curse. If he refused, which he usually did by denying that he had anything to do with the affair, they could move to an attack with weapons or the threat of such an attack. But whether they did or not depended upon their strength of character. In sorcery cases where the aggrieved party was a weakling (and apparently not backed by brothers) there was no prosecution; and one Comanche, Salt Worn Out, even shifted to another band, to get out of the sorcerer's sphere of influence.[7] In one instance where the aggrieved brothers started an apparently forceful prosecution, they backed down when the sorcerer put up an even more forceful defense—a threat of *more* sorcery.[8] In the event both parties took equally strong positions, one accused sorcerer took a voluntary conditional curse on the sun—and was killed by lightning the following spring. Thus he paid the price of his guilt.[9]

In another instance the alleged sorcerer was forthwith stabbed and killed by his own sister's son, the brother of his victim. The slayer's elder brother was appalled by the act. But Chew Up, the knife wielder, retorted, "Is it as nothing that I should sit and watch my brother being murdered? Should I have done nothing?" And here there was no blood revenge in counteraction, "Because" in the very words of a Comanche, "the quarrel was in the family, no one else could take it up or do anything about it."[10] Homicide was not legally a tribal or public affair.

The cases in general indicate that the Comanches preferred not to tangle with sorcerers. A cure by a good doctor was much to be preferred. This failing, a kinsman did not have to prosecute as did a cuckolded husband, but he legitimately could, if he had the guts. Otherwise the individual act of sorcery went unpunished. Brave warriors as champions at law did not enter these cases. A warrior outfacing another warrior was one thing, but to have to threaten a sorcerer was not an inviting prospect for even the bravest.

[7] Hoebel, *Political Organization and Law-ways*, case 25, p. 92.
[8] *Ibid.*, case 24, p. 91.
[9] *Ibid.*, case 23, pp. 89-90.
[10] *Ibid.*, case 27, pp. 94-95.